

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Timothy Cummings,

Plaintiff,

v.

Future Motion, Inc.; and Shoe Show, Inc.  
d/b/a “Half Moon Outfitters,”

Defendants.

Civil Action No. 2:25-cv-03618-DCN

**COMPLAINT & JURY DEMAND**

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COMES NOW Plaintiff Timothy Cummings complaining of Defendants Future Motion, Inc. (“Future Motion”), and Shoe Show, Inc. d/b/a Half Moon Outfitters (“Shoe Show” or “Half Moon”), and alleging as follows:

**INTRODUCTION:**

1. On June 26, 2022, Plaintiff Timothy Cummings was thrown headfirst from his electronic single-wheel skateboard due to the product’s “nosedive” defect.
2. This skateboard was a “Onewheel XR” manufactured, designed, marketed, and distributed by Defendant Future Motion, Inc. (“Future Motion”), and sold to Plaintiff by Defendant Shoe Show, Inc. d/b/a Half Moon Outfitters, a Charleston area retailer.
3. The design defect led Future Motion to issue a recall over a year after Mr. Cummings was injured, and many years after the manufacturer became aware of its existence.
4. Mr. Cummings suffered a skull fracture from the rear of his head through his left inner ear as the result of this incident and continues to deal with the daily impact of these injuries.
5. Plaintiff initiates this lawsuit in an effort to be made whole.

6. Similar claims against Defendant Future Motion are being litigated as part of *In Re: Future Motion, Inc. Products Liability Litigation*, MDL No. 3087, pending in the Northern District of California.

**PLAINTIFF:**

7. Plaintiff Timothy Cummings is a resident of Berkeley County, South Carolina. Plaintiff is a parent and alleges the injuries pled herein have negatively impacted his day-to-day life, including his responsibilities as a father to three children and as a husband to his wife.

**DEFENDANTS:**

**Shoe Show, Inc. d/b/a Half Moon Outfitters**

8. Shoe Show, Inc. is the owner and operator of various outdoor recreation retail stores under the brand name, “Half Moon Outfitters.”

9. Though previously an independent company, the Half Moon Outfitters brand was acquired by Shoe Show, Inc. in Spring 2023.

10. Upon information and belief, Half Moon Outfitters operates as a brand and/or division of Defendant Shoe Show, Inc. and continues to maintain its operational headquarters in Charleston, S.C.; Half Moon is under the daily direction and control of individuals residing in Charleston County, S.C.

11. Shoe Show, Inc. is a corporation existing under the laws of North Carolina, with its principle place of business located in Concord, North Carolina. It is registered to conduct business in South Carolina with its registered agent located at: 2 Office Park Court, Suite 103, Columbia, South Carolina 29223.

**Future Motion, Inc.**

12. Defendant Future Motion, Inc. is the designer, developer, manufacturer, marketer, and distributor of a line of consumer products known as “Onewheels[.]” These products vary in design/size, but all are single-wheel electronic skateboards, operated by rider movements in tandem with a mobile phone application.

13. The product in question—Mr. Cummings’s Onewheel XR—was designed and manufactured (and later recalled) by Defendant Future Motion, Inc., and was marketed and distributed to Shoe Show, Inc. d/b/a “Half Moon Outfitters.”

14. Future Motion is a corporation existing under the laws of Delaware, with its principle place of business located in Santa Cruz, California. As such it is a corporate citizen of both California and Delaware. Its registered agent is located at: Registered Agent, Inc., 8 The Green, Suite A, Dover, Delaware 19901.

**JURISDICTION & VENUE**

15. This Court has personal jurisdiction over both Defendants.

16. Defendant Shoe Show, Inc. owns and operates six<sup>1</sup> “brick-and-mortar” Half Moon Outfitters retail stores throughout the State of South Carolina, with three in Charleston County.

17. The retail store where Plaintiff purchased his defective Onewheel XR is located at 425 Coleman Blvd., Mt. Pleasant, S.C. 29464.

18. Through these retail locations, Shoe Show, has conducted, and continues to conduct, substantial business in the State of South Carolina. Moreover, the alleged tortious acts

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<sup>1</sup> Half Moon Outfitters currently operates 15 total stores, six of which are in South Carolina with two stores in Charleston, one in Mount Pleasant, one in Summerville, one in Columbia, and one in Greenville. See “Locations,” <https://www.halfmoonoutfitters.com/pages/locations> (last accessed March 17, 2025).

committed by Defendants—the distribution and the sale of a dangerous and defective electronic skateboard—occurred at Shoe Show’s Mt. Pleasant store after having been distributed there, upon information and belief, by Defendant Future Motion.

19. Defendant Future Motion personally and specifically directed activities towards South Carolina in contracting with Defendant Shoe Show to sell Onewheel products in the State. Upon information and belief, this relationship dates back to at least prior to November of 2020, and included marketing, costumer relations, and other proactive measures to ensure the product’s continued sales success in the State of South Carolina.

20. Moreover, the length of time, as noted above, and the continual nature of the relationship between the Defendants accords the Court general personal jurisdiction.

21. Accordingly, under either basis, Defendants are subject to personal jurisdiction due to South Carolina’s long-arm statute, codified at § 36-2-803, which has been construed to extend to the outer limits afforded by the Due Process Clause.

22. This Court possesses subject matter over Plaintiff’s claims as the amount in controversy exceeds 75,000 and there is complete diversity between Plaintiff and Defendants. *See* 28 U.S.C. Code Ann. § 1332(a).

23. Venue is proper as all the events giving rise to the allegations in this complaint occurred in Charleston County, South Carolina, including both the distribution and sale of the product, and the injuries alleged; and a substantial number of the potential witnesses in this case live, reside, and/or work in Charleston County, South Carolina. Accordingly, no other venue is more convenient in the adjudication of the issues underlying the allegations made by Plaintiff.

## FACTUAL ALLEGATIONS

### Injuries

24. On September 20, 2021, Plaintiff Timothy Cummings purchased a Onewheel XR from Half Moon Outfitters in Mount Pleasant, South Carolina for \$1,799.00.

25. Figure 1:



26. In the ensuing months, Mr. Cummings rode his skateboard often and became an experienced operator of the product.

27. On June 26, 2022—a sunny, clear Sunday—at approximately two (2) in the afternoon, Plaintiff Timothy Cummings was riding his Onewheel XR skateboard in downtown Charleston along Meeting Street, between Water and Ladson Streets.

28. Without warning, the product shut off and fully initiated its breaks, hurling Mr. Cummings headfirst through the air.

29. Landing on his head, he sustained severe injuries to his head and neck; as his head hit the pavement, his middle ear bone was forcibly separated, his skull was fractured, and he was rendered unconscious for several minutes.

30. Upon regaining consciousness, he was confused as to where he was or what he was doing and bystanders called emergency services (“EMS”). EMS reports note that bystanders specifically mentioned his Onewheel in their comments to medical personnel.

31. Within hours of his admission at MUSC, Plaintiff was given a CT scan and diagnosed with a fracture in his skull that extended from his lambdoid suture on the back of his head through to his left inner ear. The treating physicians also noted bleeding in his left inner ear canal, which they removed with a suction device.

32. After having removed the blood from Plaintiff’s left inner ear, physicians noted a laceration in his inner ear canal and found that the hearing loss Plaintiff presented with was conductive and likely caused by his skull fracture.

33. As will be shown at the trial of this case, due to the location and nature of his injuries, it is unlikely that Plaintiff ever fully regains hearing in his left ear.

34. Moreover, Plaintiff suffers from noticeable lapses in memory following his skull fracture, which he alleges was proximately caused by the defect in his Onewheel XR.

35. These issues persist to this day, straining his ability to perform daily activities around his household, and giving rise to Plaintiff Jacqueline Cummings’s loss of consortium claim.

36. Plaintiff has three young children and his injuries, suffered as a result of Defendant’s conduct, make the daily tasks of fatherhood more arduous on both him and his wife.

**The Product**

37. Defendant Future Motion designs, develops, manufactures, produces, markets, and distributes a line of self-balancing electronic single-wheel skateboards under the brand name, “Onewheel.” Here, Plaintiff was riding a “Onewheel XR” when injured.

38. Upon information and belief, Plaintiff made no meaningful changes or improvements to his Onewheel XR.

39. Riders of Onewheels place their feet on footpads on either side of the wheel, leaning forward to increase speed, leaning back to decrease speed, and leaning directionally to turn the board to either respective side.

40. This physical maneuvering is done in tandem with the use of a mobile phone application, which allows Onewheel riders to maintain data about hours ridden and customize their product.

41. According to Onewheel CEO and Founder Kyle Doerksen, the product was created with the mission to “bring the Onewheel experience to the world.” With the website mentioning that, “[w]hen you do something radically different, not everyone is going to understand it. And that’s okay. Some folks think Onewheels are too risky and that they just don’t belong on our streets or trails. But those people probably haven’t ridden yet.”<sup>2</sup>

42. On November 16, 2022—nearly five months after Plaintiff was injured here—having investigated multiple complaints, the U.S. Consumer Product Safety Commission (“CPSC”) warned consumers to immediately stop using all Onewheel models, including the XR

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<sup>2</sup> “About Us,” <https://onewheel.com/pages/about-us> (last accessed, March 17, 2025).

model at issue here.<sup>3</sup> Specifically, the CPSC noted a risk of being “ejected” from the product, precisely as has happened here. Upon information and belief, this life-threatening defect is referred to by Future Motion as a “nosedive.”

43. The CPSC Report also noted that between 2019 and 2021, there were at least four deaths reported due to this ejection/nosedive defect.

44. Upon information and belief, this defect occurs because of the failing of a purposeful mechanism known as “pushback” that is programmed into Onewheel skateboards. Future Motion describes “pushback” as “a safety feature that lets the rider know they have reached the limits of the board and need to slow down[,]” noting further that a rider may also experience pushback, “when your Onewheel is running out of battery or in an overcharge situation (your board is charged to 100% and you go down hill, overcharging the battery). In these instances, it’s important to lean back to slow down to a stop and then dismount the board.”<sup>4</sup>

45. The company differentiates this feature from the sudden shutting off the board and engaging of breaks—the cause of the injuries here and in many other reported cases—defining the latter scenario, as noted above, as a “nosedive.”

46. Future Motion asserts that a “nosedive” will only occur when a user ignores a “pushback[,]” and the board reacts by engaging breaks and shutting down.

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<sup>3</sup> “CPSC Warns Consumers to Stop Using Onewheel Self-Balancing Electronic Skateboards Due to Ejection Hazard; At Least Four Deaths and Multiple Injuries Reported,” <https://www.cpsc.gov/Warnings/2023/CPSC-Warns-Consumers-to-Stop-Using-Onewheel-Self-Balancing-Electric-Skateboards-Due-to-Ejection-Hazard-At-Least-Four-Deaths-and-Multiple-Injuries-Reported> (last accessed, March 17, 2025).

<sup>4</sup> “Frequently Asked Questions,” <https://onewheel.com/pages/faq> (last accessed, March 17, 2025).



47. This however fails to account for when the board does this while charged, but not overcharged, or when the pushback feature fails to sufficiently warn the rider of the need to dismount. This discrepancy led the Consumer Products Safety Commission to urge the company to engage in a recall to cure the defect and prevent future harm.

48. At first, Future Motion vehemently refused to agree to a recall. Without this voluntary compliance, the CPSC took the extraordinary step of issuing a public notice, warning consumers to cease their use immediately in November 2022, as noted above.

49. This statement included a remark that, “CPSC asked Future Motion to stop selling the Onewheel and advise its customers not to use the product. The company refused. Future Motion is unwilling to take appropriate action to fix a product hazard that has killed people.”<sup>5</sup> The warning included the astonishing admonition that Onewheels “are not worth dying for.”

50. Nevertheless, Future Motion maintained that the products were safe and that there was no need to issue a recall, calling the warning “unjustified” and “alarmist” and plainly ignoring the report of multiple fatalities.<sup>6</sup>

51. Incredibly, Future Motion did not stop there but instead insisted that the CPSC was targeting the company merely because “it is a new technology.” In these rebukes, Future Motion

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<sup>5</sup> “Statement of Commissioner Richard Trumka,” dated November 16, 2022, <https://www.cpsc.gov/About-CPSC/Commissioner/Richard-Trumka/Statement/Future-Motion-Refuses-to-Recall-Deadly-Onewheel-Skateboard> (last accessed, March 17, 2025).

<sup>6</sup> “Future Motion Responds to the CPSC’s Unjustified and Alarmist Claims Regarding Onewheels,” dated November 16, 2022, <https://www.prnewswire.com/news-releases/future-motion-responds-to-the-cpsc-unjustified-and-alarmist-claims-regarding-onewheels-301680207.html> (last accessed, March 17, 2025).

characterized itself as something larger than a consumer product, callously disregarding the CPSC's warnings as an act of "suppressing this growing movement."<sup>7</sup>

52. Advancing these claims, Future Motion left no communication medium unutilized, appearing on podcasts, using internet advertising, and posting on social media touting false safety rhetoric about its products.<sup>8</sup> This included such claims as, Onewheels are "twice as safe as riding a bicycle" and "Onewheels are not defective."

53. Ultimately, under mounting pressure, Future Motion agreed with the CPSC and issued a voluntary recall of 300,000 of its Onewheel products on September 23, 2023, nearly a year and a half after Mr. Cummings was severely injured.<sup>9</sup>

54. Defendant Shoe Show—which began marketing and selling Onewheels at least as early as November 16, 2020<sup>10</sup>—ignored these warnings, continuing to sell Onewheels as late as two years after the CPSC issued the warnings detailing multiple fatalities, and over a year after the recall. *See* Exhibit A (Wayback Machine screenshots of Half Moon website, dated November 4, 2024; and December 4, 2023).

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<sup>7</sup> *See* @onewheel's Instagram post, dated November 16, 2022, [https://www.instagram.com/p/CICSNuJyylo/?img\\_index=1](https://www.instagram.com/p/CICSNuJyylo/?img_index=1) (last accessed, March 17, 2025).

<sup>8</sup> Kyle Doerksen & Jack Mudd, What's Actually Happening With The CPSC?, The Onewheel Podcast (Nov. 23, 2022), [https://www.youtube.com/watch?v=u0togKI7SIw&list=PLwHhGWG1Ijyv\\_16ptqZQTD\\_1M\\_a3C22Ko&index=5](https://www.youtube.com/watch?v=u0togKI7SIw&list=PLwHhGWG1Ijyv_16ptqZQTD_1M_a3C22Ko&index=5) at 36:20-37:00 (last accessed, March 15, 2025).

<sup>9</sup> "Future Motion Recalls Onewheel Self-Balancing Electronic Skateboards Due to Crash Hazard; Four Deaths Reported," dated September 29, 2023, <https://www.cpsc.gov/Recalls/2023/Future-Motion-Recalls-Onewheel-Self-Balancing-Electric-Skateboards-Due-to-Crash-Hazard-Four-Deaths-Reported> (last accessed, March 17, 2025).

<sup>10</sup> *See* @halfmoonoutfitters's Instagram post, dated November 16, 2020, <https://www.instagram.com/p/CHq3yUXhTJ1/> (last accessed, March 17, 2025); and @halfmoonoutfitters's Instagram post, dated November 27, 2020, <https://www.instagram.com/p/CIGT7akBqBL/> (last accessed, March 17, 2025).

55. Upon information and belief, this retailer's decision to continue selling and marketing Onewheel products in the Charleston-area was due in part to Future Motion's consistent false pronouncements of the product's total safety.

56. However, Defendant Shoe Show continued to sell these dangerous products despite Future Motion itself finally publicly acknowledging (while continuing to sell) that the products could cause serious injury due to the "nosedive" defect. Again maintaining that this can only occur if the rider "ignores" "pushback," Onewheel's website contains the following graphic:

57. Figure 2:



58. Rather than squarely address the legitimate safety concerns raised by the CPSC in a timely manner, both Defendants (1) blatantly ignored the dangers, (2) continued to subject innumerable consumers to egregious harm, and (3) engaged in, and/or turned a blind eye to, a public relations campaign meant to protect, not the public, but the enduring marketability of this product. If the reported fatalities and CPSC report had led to an immediate investigation and correction of these defects, or even merely a pause in sales, countless victims—including Plaintiff Timothy Cummings—would not have suffered their life-altering injuries.

59. Accordingly, this reckless conduct by Defendant should be punished so that similarly callous behavior can be dissuaded.

**CAUSES OF ACTION**

**For a First Cause of Action**

Negligence  
as to both Defendants

60. Plaintiff reincorporates all preceding paragraphs as if fully set forth herein.

61. This claim is brought pursuant to South Carolina law.

62. Defendants each owed a duty to Plaintiff.

63. Defendants breached that duty in failing to adhere to the standard of care of those in the same or similar circumstances.

64. These failures by each Defendant factually and legally caused damages to Plaintiff, including his injuries as described herein.

65. Plaintiff seeks recovery from Defendants in an effort to be made whole.

**For a Second Cause of Action**

Products Liability/Strict Liability  
as to Seller Defendant Shoe Show, Inc.  
(*S.C. Code Ann. § 15-73-10*)

66. Plaintiff reincorporates all preceding paragraphs as if fully set forth herein.

67. This claim is brought pursuant to South Carolina law.

68. Plaintiff Timothy Cummings purchased Defendant Future Motion's Onewheel XR from Defendant Shoe Show d/b/a Half Moon Outfitters in September of 2021.

69. From at least as early as November 2020 and at least as late as November 2024, Defendant Shoe Show d/b/a Half Moon Outfitters was engaged in the marketing and sale of Onewheel skateboards. This included multiple posts on Half Moon's social media accounts, and listing of the product on its website as for sale both online and in its various retail stores.

70. This defective product was unreasonably dangerous to the user at the time of sale and ultimately caused great injuries when the product involuntarily, and without warning, ejected Plaintiff Timothy Cummings and he landed headfirst on the ground, fracturing his skull and permanently losing hearing in his left ear.

71. At no point prior to Plaintiff's fall on June 26, 2022, had he experienced or otherwise been made aware of the "nosedive" defect which caused his injuries.

**For a Third Cause of Action**  
Products Liability/Strict Liability  
as to Defendant Future Motion, Inc.

72. Plaintiff reincorporates all preceding paragraphs as if fully set forth herein.

73. This claim is brought pursuant to South Carolina law.

74. Plaintiff Timothy Cummings purchased Defendant Future Motion's Onewheel XR from Defendant Shoe Show d/b/a Half Moon Outfitters in September of 2021.

75. At the time of its sale to Plaintiff, the product was in an unreasonably dangerous condition in that it would involuntarily and without warning eject riders.

76. Plaintiff was, in fact, injured by this defect when he was ejected from his Onewheel XR on June 26, 2022, and fractured his skull, rendering him unconscious and giving him severe lifelong hearing loss in his left ear.

77. At the time of this ejection, the product was in the same condition as it was when it left the possession of Defendant Future Motion, Inc.

78. Plaintiff's injuries occurred as a result of this defect.

**For a Fourth Cause of Action**

Unfair Trade Practices Act  
as to both Defendants  
(*S.C. Code Ann. § 39-5-10 et seq.*)

79. Plaintiff reincorporates all preceding paragraphs as if fully set forth herein.

80. This claim is brought pursuant to South Carolina law.

81. In spite of reported fatalities due to a defect inherent in its product, Defendant Future Motion continued to market its Onewheel line as safe, going so far as to refer to the Consumer Products Safety Commission as “alarmist” and as targeting Onewheel due to it being “new technology.”

82. These actions were amplified by Defendant Shoe Show, Inc., which publicly marketed Onewheel skateboards many years after the Consumer Products Safety Commission specifically warned users to immediately cease using them, and approximately a year after 300,000 of the products were recalled for the same defect that caused the injuries alleged herein.

83. Making and amplifying false claims of safety and continuing to sell a defective and dangerous product are both unfair and deceptive acts in violation of South Carolina law.

84. This violation constitutes a willful and/or knowing violation of South Carolina and subjects defendants to treble damages pursuant to S.C. Code Ann. § 39-5-140.

**For a Fifth Cause of Action**

Punitive damages  
as to both Defendants

85. From 2019 to 2021, four deaths and multiple injuries were reported to the Consumer Products Safety Commission as a result of the nosedive defect present in Onewheel skateboards.

86. At no time prior to September 29, 2023, did Defendant Future Motion warn, or otherwise take real steps to protect its customers from these known dangers.

87. Up until at least November 7, 2024, over a year after a recall was issued, did Defendant Shoe Show, Inc., d/b/a Half Moon Outfitters, cease actively marketing and selling Onewheel skateboards.

88. In continuing to market and sell these defective and dangerous products, and by willfully taking no steps to prevent these injuries, both Defendants exhibited a careless disregard for the safety and well-being of Plaintiff's rights.

89. Punitive damages are warranted to deter such callous behavior in the future and to punish Defendants for each placing profits over the health and welfare of its consumers.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, demanding a trial by jury on all issues so triable, prays judgment against Defendants in an amount to be proved at trial, as follows:

- a. For Plaintiff's actual damages according to proof;
- b. For liability of the seller according to proof;
- c. For products liability of the manufacturer according to proof;
- d. For damages for unfair trade practices according to proof;
- e. For damages for punitive damages according to proof;
- f. For such other and further relief as the Court may deem just and proper, including costs and prejudgment interest as provided by South Carolina law.

*(signature page to follow)*

Respectfully submitted,

**MOTLEY RICE LLC**

s/ M. Nolan Webb

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This \_\_\_ day of April 2025.

Mt. Pleasant, South Carolina